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PETITIONS OFFICE

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **Heinicke et al**Application No.: **09/606,629**Art Unit: **1615**Filed: **June 29, 2000**Examiner: **H. Nguyen**
 Title: **Controlled Absorption
Diltiazem Pharmaceutical Formulation**

 Attention: Office of Petitions
 Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$**1,280** (37 CFR 1.17(m))

2. Reply and/or fee

 A. The reply and/or fee to the above-noted Office action in
 the form of **Amendment** (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee of \$_____.

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

10/28/2002 AKELLEY 00000001 500370 09606629

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/84 (10-01)

Approved for use 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8/12/02

Date

E. Brendan Magrab

Signature

Telephone

Number: (____) _____

E. Brendan Magrab

Typed or printed name

Alpharma, 200 Elmora Avenue

Address

Enclosures: ☒ Fee PaymentElizabeth NJ 07207☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

8/12/02

Date

E. Brendan Magrab

Signature

Type or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Heinicke et al.)
)
Serial No.: 09/606,629)
) Group Art Unit: 1615
Filing Date: June 29, 2000)
) Examiner: H. Nguyen
For: CONTROLLED)
ABSORPTION)
DILTIAZEM)
PHARMACEUTICAL)
FORMULATION)
)
)

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Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C., 20231

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)**

Sir:

1. This application became abandoned on February 23, 2002.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. §1.137(b)(3)).
3. A Response to the Office Action dated August 23, 2001, is enclosed.
4. Because the status of the above-identified application is other than a small entity, please charge the required fee for the petition to revive pursuant to 37 § C.F.R. 1.17(m) to deposit account no. 50-0370.
5. If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 50-0370.
6. A duplicate copy of this petition is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Magrab', written over a horizontal line.

E. Brendan Magrab (Reg. No. 36,205)

AlphaPharma, Inc.
200 Elmora Ave.
Elizabeth, New Jersey 07207
(908) 659-2575 (telephone)
(908) 659-2410 (facsimile)



Alpharma US Human
Pharmaceuticals
A Division of Alpharma Inc.

200 Elmora Avenue
Elizabeth, NJ 07207
United States

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*maggie Sheridan**8/12/02*

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